

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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	:	
UNITED STATES OF AMERICA	:	
	:	AMENDED CONSENT
- v. -	:	PRELIMINARY ORDER OF
	:	FORFEITURE AS TO SPECIFIC
NIKHIL WAHI,	:	<u>PROPERTY/MONEY JUDGMENT</u>
	:	
Defendant.	:	22 Cr. 392 (LAP)
	:	
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WHEREAS, on or about July 19, 2022, NIKHIL WAHI (the “Defendant”), among others, was charged in two counts of a four-count Indictment, 22 Cr. 392 (LAP) (the “Indictment”), with conspiracy to commit wire fraud, in violation of Title 18, United States Code, Section 1349 (Count One); and wire fraud, in violation of Title 18, United States Code, Sections 1343 and 2 (Count Three);

WHEREAS, the Indictment included a forfeiture allegation as to Counts One through Four of the Indictment, seeking forfeiture to the United States, pursuant to Title 18, United States Code, Section 981(a)(1)(C) and Title 28, United States Code, Section 2461(c), of any and all property, real and personal, that constitutes or is derived from proceeds traceable to the commission of the offenses charged in Counts One through Four of the Indictment, including but not limited to a sum of money in United States currency representing the amount of proceeds traceable to the commission of the offenses charged in Counts One through Four of the Indictment;

WHEREAS, on or about November 28, 2022, a seizure warrant was issued by the Hon. Stewart D. Aaron, United States Magistrate Judge for the Southern District of New York, pursuant to which the Government seized the following specific property:

- i. \$324,165.60 in USD Coin (“USDC”) contained within the following unhosted virtual currency address on the Ethereum network:  
0x44b3d59fe4dA798a43De3689bE0a2Ab508Bc0067; and

- ii. The monies, assets, and funds contained in the Kucoin account associated with the following user: email: biimbam23@gmail.com, telephone number: 1-5127171238, parent\_uid: 69250369, and sub\_uid: 69250369, which has an approximate value of \$370,827 in United States currency;

(i and ii, collectively, the “Specific Property”);

WHEREAS, on or about September 12, 2022, the Defendant pled guilty to Count One of the Indictment, pursuant to a plea agreement with the Government, wherein the Defendant admitted the forfeiture allegation with respect to Count One of the Indictment and agreed to forfeit to the United States, pursuant to Title 18, United States Code, Section 981(a)(1)(C) and Title 28, United States Code, Section 2461(c), the proceeds traceable to the commission of the offense charged in Count One of the Indictment;

WHEREAS, the Defendant consents to the entry of a money judgment in the amount of \$892,500 in United States currency, representing the amount of proceeds traceable to the offense charged in Count One of the Indictment that the Defendant personally obtained;

WHEREAS, the Defendant further consents to the forfeiture of all of his right, title and interest in the Specific Property, which constitute proceeds traceable to the commission of the offense charged in Count One of the Indictment that the Defendant personally obtained;

WHEREAS, the Defendant admits that, as a result of acts and/or omissions of the Defendant, the proceeds traceable to the offense charged in Count One of the Indictment that the Defendant personally obtained cannot be located upon the exercise of due diligence, with the exception of the Specific Property; and

WHEREAS, pursuant to Title 21, United States Code, Section 853(g), and Rules 32.2(b)(3), and 32.2(b)(6) of the Federal Rules of Criminal Procedure, the Government is now entitled, pending any assertion of third-party claims, to reduce the Specific Property to its

possession and to notify any and all persons who reasonably appear to be a potential claimant of their interest herein.

IT IS HEREBY STIPULATED AND AGREED, by and between the United States of America, by its attorney Damian Williams, United States Attorney, Assistant United States Attorneys Noah Solowiejczyk and Nicolas Roos, of counsel, and the Defendant and his counsel, Priya Chaudhry, Esq., that:

1. As a result of the offense charged in Count One of the Indictment, to which the Defendant pled guilty, a money judgment in the amount of \$892,500 in United States currency (the "Money Judgment"), representing the amount of proceeds traceable to the offense charged in Count One of the Indictment that the Defendant personally obtained, shall be entered against the Defendant.

2. As a result of the offense charged in Count One of the Indictment, to which the Defendant pled guilty, all of the Defendant's right, title and interest in the Specific Property is hereby forfeited to the United States for disposition in accordance with the law, subject to the provisions of Title 21, United States Code, Section 853.

3. Pursuant to Rule 32.2(b)(4) of the Federal Rules of Criminal Procedure, this Consent Preliminary Order of Forfeiture as to Specific Property/Money Judgment is final as to the Defendant NIKHIL WAHI, and shall be deemed part of the sentence of the Defendant, and shall be included in the judgment of conviction therewith.

4. All Specific Property forfeited to the United States under a Final Order of Forfeiture shall be applied towards the satisfaction of the Money Judgment.

5. The Defendant shall make a payment of \$197,507.40 in United States currency (the "Payment"), on or before the ~~date of his sentencing~~ January 13, 2023. Upon entry of a Final Order of



Forfeiture with respect to the Specific Property, the Payment shall be applied in full satisfaction of the Money Judgment.

6. The Payment shall be made by wire transfer to the United States Marshals Service pursuant to the wire instructions to be provided to the Defendant by the Government.

7. The United States Marshals Service is authorized to deposit the Payment into the Assets Forfeiture Fund, and the United States shall have clear title to such forfeited property.

8. Upon entry of this Consent Preliminary Order of Forfeiture as to Specific Property/Money Judgment, the United States Marshals Service (or its designee) is hereby authorized to take possession of the Specific Property and to hold such property in its secure custody and control.

9. Pursuant to Title 21, United States Code, Section 853(n)(1), Rule 32.2(b)(6) of the Federal Rules of Criminal Procedure, and Rules G(4)(a)(iv)(C) and G(5)(a)(ii) of the Supplemental Rules for Certain Admiralty and Maritime Claims and Asset Forfeiture Actions, the United States is permitted to publish forfeiture notices on the government internet site, [www.forfeiture.gov](http://www.forfeiture.gov). This site incorporates the forfeiture notices that have been traditionally published in newspapers. The United States forthwith shall publish the internet ad for at least thirty (30) consecutive days. Any person, other than the Defendant, claiming interest in the Specific Property must file a Petition within sixty (60) days from the first day of publication of the Notice on this official government internet web site, or no later than thirty-five (35) days from the mailing of actual notice, whichever is earlier.

10. The published notice of forfeiture shall state that the petition (i) shall be for a hearing to adjudicate the validity of the petitioner's alleged interest in the Specific Property, (ii)

shall be signed by the petitioner under penalty of perjury, and (iii) shall set forth the nature and extent of the petitioner's right, title or interest in the Specific Property, the time and circumstances of the petitioner's acquisition of the right, title and interest in the Specific Property, any additional facts supporting the petitioner's claim, and the relief sought, pursuant to Title 21, United States Code, Section 853(n).

11. Pursuant to 32.2 (b)(6)(A) of the Federal Rules of Criminal Procedure, the Government shall send notice to any person who reasonably appears to be a potential claimant with standing to contest the forfeiture in the ancillary proceeding.

12. Upon adjudication of all third-party interests, this Court will enter a Final Order of Forfeiture with respect to the Specific Property pursuant to Title 21, United States Code, Section 853(n), in which all interests will be addressed.

13. Pursuant to Title 21, United States Code, Section 853(p), the United States is authorized to seek forfeiture of substitute assets of the Defendant up to the uncollected amount of the Money Judgment.

14. Pursuant to Rule 32.2(b)(3) of the Federal Rules of Criminal Procedure, the United States Attorney's Office is authorized to conduct any discovery needed to identify, locate or dispose of forfeitable property, including depositions, interrogatories, requests for production of documents and the issuance of subpoenas.


15. The Court shall retain jurisdiction to enforce this Consent Preliminary Order of Forfeiture as to Specific Property/Money Judgment, and to amend it as necessary, pursuant to Rule 32.2 of the Federal Rules of Criminal Procedure.

16. The signature page of this Consent Preliminary Order of Forfeiture as the Specific Property/Money Judgment may be executed in one or more counterparts, each of which will be deemed an original but all of which together will constitute one and the same instrument.

AGREED AND CONSENTED TO:

DAMIAN WILLIAMS  
United States Attorney for the  
Southern District of New York

By:

  
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NOAH SOLOWIEJCZYK  
NICOLAS ROOS  
Assistant United States Attorneys  
One St. Andrew's Plaza  
New York, NY 10007  
(212) 637-2473 / 2421

1/10/23  
DATE

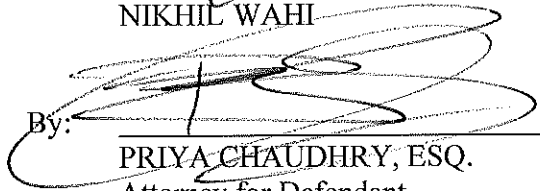
NIKHIL WAHI

By:

  
\_\_\_\_\_  
NIKHIL WAHI

01/10/2023  
DATE

By:

  
\_\_\_\_\_  
PRIYA CHAUDHRY, ESQ.  
Attorney for Defendant  
~~45 West 29<sup>th</sup> Street, Suite 303~~ 147 West 25<sup>th</sup> St., 12<sup>th</sup> Fl  
New York, NY 10001

10 January 2023  
DATE

SO ORDERED:

  
\_\_\_\_\_  
HONORABLE LORETTA A. PRESKA  
UNITED STATES DISTRICT JUDGE

1/10/23  
DATE